

# PATENT COOPERATION TREATY

PR

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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RECEIVED

- 2 AUG 2004

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WRITTEN OPINION  
(PCT Rule 66)

Date of mailing  
(day/month/year)

29.07.2004

Applicant's or agent's file reference  
XA1939

REPLY DUE

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from the above date of mailing

International application No.  
PCT/GB 03/04520

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20.10.2003

Priority date (day/month/year)  
18.10.2002

International Patent Classification (IPC) or both national classification and IPC  
A62B7/14

Applicant  
MCFARLANE, Robert

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

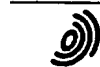
**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18.02.2005

Name and mailing address of the international preliminary examining authority:



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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-19 as originally filed

**Claims, Numbers**

1-13 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-3,7,30,34
Inventive step (IS)	Claims	2,4-6,8-13,20,22,26,32,33,35-37
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

**Re Item V** Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

GB-A-1 462 361 (copy enclosed) discloses an integrated respirator that provides an airtight barrier for a user's head comprising a first rigid helmet (17) and a flexible cowl (11) having an airtight neck seal (p. 1, l. 50-54), wherein the first rigid helmet defines an access aperture suitable for locating directly on a user's head and the flexible cowl (11) is sealably (p. 2, l. 55, 56) fixed (p. 1, l. 28-40) to the first rigid helmet (17) so providing a physical barrier for the access aperture while forming an airtight seal with a user's neck.

Consequently, the subject-matter of claim 1 is not novel.

The features of claims 2, 3 and 7 (cowl-piece 32) also have been disclosed in this document.

The features of claim 1 apart from the airtight neck seal have been disclosed in EP-A-1 210 882 (copy enclosed), see [0014], [0018]-[0022]. The provision of an airtight neck seal is an obvious step in respect of documents GB-A-1 462 361 or WO-A-93/14818 (fig. 2, (52)).

The features of claims 2 (col. 5, l. 58-col. 6, l. 2), 4 and 5 (col. 6, l. 2,3), 6, 8 and 10 (fig. 2a), 9 (fig. 1), 11, (fig. 2a, [0020]), 20 ([0013], (25a)), 22 (col. 5, l. 31-33) and 26 (74) have also been disclosed in EP-A-1 210 882. The features of claim 14 are likely to apply to the respiration system (76) disclosed in this document.

WO-A-93/14818 discloses the features of claims 12 (figs. 1-3), 14 (fig. 3), 28 (p. 7, l. 22-34).

The features of the method claim 31 are known from EP-A-1 210 882, see [0019-0021]. Consequently, the subject-matter of claim 31 is not novel.

The features of claims 32 ([0013], "location points" are likely to have been provided to ensure consistent assembling) and 34 ([0020], (70d)) are known from EP-A-1 210 88.

The features of claims 33 and 35 appear to involve generally known production methods.

**WRITTEN OPINION  
SEPARATE SHEET**

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International application No. PCT/GB 03/04520

Since the applicant has not mentioned the composition of the coatings or material mentioned in claims 13, 30, 36 and 37, it is obvious that these are generally known and will be used by the skilled person if their characteristics are needed to improve the protection and/or comfort provided by the respirator.

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